

**North Little Rock Planning Commission
Regular Meeting
September 8, 2009**

Vice Chairman White called the regular meeting of the North Little Rock Planning Commission to order at 4:45 PM in the Council Chambers, City Hall.

Members Present:

Alexander
Armstrong
Belasco
Chambers
Dietz
Foster
Parker
White, Vice Chairman

Members Absent:

Clifton, Chairman (excused)

Staff Present:

Robert Voyles, Director
Shawn Spencer, Asst. Director
Sheryl Ricker, Secretary
Jan Hughes, Secretary

Others Present:

Paula Jones, Asst. City Attorney
Jeremy Peppas, NLR Times
Jake Sandlin, Ark. Demo-Gazette
Don Wood, Code Enforcement
Alderman Maurice Taylor

Administrative:

- Arkansas Planning Association Fall Conference- September 17th and 18th – Little Rock

Mr. Voyles stated it will be held in Little Rock in the Little Rock River Market district this year. He stated if any Commissioner is interested in going please contact the Planning office.

- Letters to Planning Commissioners

Mr. Spencer stated you have a packet in front of you with several letters on the different cases for today's meeting.

Approval of Minutes:

Motion was made and seconded to approve the amended August minutes as submitted. The minutes were approved with seven (7) affirmative votes. (Mr. Armstrong was a few minutes late.)

Motion was made and seconded to excuse Chairman Clifton from today's meeting. This was approved with seven (7) affirmative votes.

Subdivision Administrative:

- A. NS-2149-09 Scotthaven Subdivision, Lot 1 and 2 (preliminary plat of apartments located at southeast corner of Mission and Remount Roads)

1. Meet the requirements of the City Engineer, including:

- Provide storm water detention in lieu of fee (\$500/acre).
- Obtain erosion control permit from City Engineer and ADEQ before any site work is started.
- Driveways no closer than 35' of adjoining streets or 10' of other property lines.
- Driveway radii returns built to City Engineer's specifications.
- Drainpipes in the ROW are to be RCP with flared end section.
- All driveways are to be concrete in the ROW.
- Secure curb cut from City Engineer.
- Obtain floodplain permit from City Engineer.

2. Meet the requirements of Community Planning, including:

- Label "leftover" lots that are to be sold to properties on Silverwood Trail as ABCD.
- Provide proof of sale for lots ABCD at time of signing final plat. If not available, lots are to be included back into Lot 1 or Lot 2, before the plat is to be signed.
- Provide 15' access easement adjoining the west side of the flood way line along the creek on lots ABCD.
- Show proper setbacks of 35' on Remount and 30' on Mission.
- Show 15' access along south property lines of Lot 2 and unnamed lot to allow access to creek.
- Provide the standard requirements of Zoning and Development Regulations.
- Final plat and/or Site Plan Review of the development will be submitted in CAD compatible DXF and/or DWG format, tied to Arkansas State Plane Coordinates before the final plat will be signed or a building permit issued.
- Set the 2 required subdivision boundary corner monuments with blank brass caps. This is to be done before a final plat will be signed.

- i. Obtain and submit a standard control data form for each required subdivision boundary corner tied to a NLR geodetic control monument by closed traverse before the final plat will be signed.
- j. Provide dumpster location with screening to match building.
- 3. Meet the requirements of the Master Street Plan, including:**
 - a. Provide 5' sidewalks/ramps to ADA standards and City standards on Mission and Remount.
 - b. Provide ½ street improvements on Mission Road
 - c. Provide ROW dedication on Mission Road.
- 4. Meet the requirements of the Screening and Landscaping ordinance, including:**
 - a. All disturbed areas are to be sodded or seeded, fertilized, watered and mulched.
 - b. Provide irrigation to all required trees.
 - c. Provide street trees 40' on center.
- 5. Meet the requirements of the Fire Marshal, including:**
 - a. Provide an approved fire protection plan and comply with Fire Marshal requirements.
 - b. Buildings are too wide/long. Provide a 20' separation at every 4th unit. (4 units per building)
 - c. Provide all weather access to three sides of the building.
 - d. Fire hydrants to be within 400 feet of all areas of building. Install fire hydrant off of Mission Rd.
 - e. All exterior portions of a building must be within 150' of a FD access road.
- 6. Meet the requirements of the CAW and NLR Wastewater and Electric, including:**
 - a. Provide utility easements.
 - b. All CAW requirements in effect at the time of request for water service must be met.
 - c. Contact CAW for requirements on backflow protection on meter services.
 - d. A complete set of drawings for development must be submitted to NLR Wastewater.
 - e. Sanitary sewer service is currently available to some of the development, but some extensions are anticipated.

Mr. Chambers stated the applicant agrees to all the conditions as amended.

There were no additional comments from Commissioners or the audience. The motion to approve as amended passed with eight (8) affirmative votes.

Public Hearing – Old Business:

NONE

Public Hearing – New Business:

- 1. Special Use # 679. To allow 50 short term rentals at an apartment complex in an R-4 zone. The request is located at 12025 Paul Eells Drive.

POSTPONED

2. Special Use # 680. To allow a vehicle repossession business in a C-3 zone. The request is located at 7001 West Meadowlane.

Vice Chairman White asked the applicant to come forward and state their name.

Ms. Edmondson stated they want to put a repossession company with a satellite office on the property.

Vice Chairman White asked if there would be wrecked cars? Will the cars have tires on them and be in running order?

Ms. Edmondson stated the cars will be running, no wrecked vehicles. It will have limited use.

Mr. Chambers stated it will be basically a parking lot. What kind of fence do you have?

Ms. Edmondson stated they have a chain link with barb wire facing in.

Mr. Spencer asked the applicant if the fence came down to the front property line.

Ms. Edmondson stated the fence comes down from the side of the building to the property line.

Mr. Voyles stated when the building was approved they were suppose to remove the front yard fencing.

Mr. Chambers stated he would like to add a condition if there is fencing that runs out beyond the building line it be removed. The amendment would be to remove all front yard fencing.

Vice Chairman White called for a roll call vote on the amendment.

Alexander	Yes	Dietz	Yes
Armstrong	Yes	Foster	Yes
Belasco	Yes	Parker	Yes
Chambers	Yes	White	Yes
Clifton	Absent		

The amendment passed with eight (8) affirmative votes.

Vice Chairman White asked how long would the cars stay there.

Ms. Edmondson stated they usually stay about two weeks and then they are hauled to Memphis. It is not long term parking at this lot. This lot will be just a relocation lot. There will be no one coming in off the street. Everything has been arranged through the Memphis office. This is basically just a storage lot for the repossessions.

Vice Chairman White asked if there was anyone in the audience that wanted to speak for or against this application.

Mr. Williford stated he lives at 6910 Service Rd. He stated he lives directly behind this repossession lot. He feels it would be a sore eye for the neighborhood and it would devalue the properties around it. He is against this.

Mr. Mann stated he lives on Apsen Dr. They have had businesses in and out of there and all they have done was use and abuse the property. He is concerned about the neighborhood. He is also concerned about them parking the tractor trailers on the street to load and unload the cars.

Mr. Reynolds stated he also lives on Aspen Dr. He stated the barb wire on the fence is facing outward. They have had a lot of problems with Repo people in the area. He stated he speaks for a lot of people in the area because he is the president of the homeowners association. He is also concerned about them parking the tractor trailers on the street to load and unload the cars.

Mr. Edmondson stated he talked to most of the people in the area. He stated there are several repossession businesses along Hwy 365. The company in Memphis would like a six (6) month lease.

Mr. Dietz asked the applicant if he has seen the conditions on staff write up. One of the things that concerns him is there are several people who object to the car hauler parking on the City Right-of-Way.

Mr. Edmondson stated he owns the adjacent parking lot and he intends on using that to load and unload vehicles there.

Mr. Dietz asked if the applicant would have any objections if they add a condition that they will not load or unload any vehicles in the City Right-of-Way.

Mr. Edmondson stated he had no objections.

Mr. Chambers stated he would like to add some conditions to Staff's conditions. His added conditions are as follows:

1. To reverse barb wire to face inward.
2. Parking loading and unloading not to be on City Right-of-Way
3. Opaque fencing on Service Lane
4. Keep lot clean at all times.

A motion was made and seconded.

Mr. Parker stated he would like to amend the conditions to include opaque fencing down Meadow Lane.

Vice Chairman White called for a roll call vote on the amending the conditions for the fencing.

Mrs. Belasco reminded them about a letter in the packet with signatures of support for this case.

Alexander	Yes	Dietz	No
Armstrong	Absent	Foster	No
Belasco	No	Parker	Yes
Chambers	Yes	White	No
Clifton	Absent		

(Mr. Armstrong had excused himself for an emergency phone call and was not present for the vote)

The vote failed with four (4) negative votes and three (3) affirmative votes.

Next Vice Chairman White called for a roll call vote on the amendments.

Alexander	Yes	Dietz	Yes
Armstrong	Absent	Foster	Yes
Belasco	Yes	Parker	No
Chambers	Yes	White	Yes
Clifton	Absent		

The amendments passed with six (6) affirmative and one (1) negative vote.

Vice Chairman White called for a roll call vote on the application with the following conditions:

1. Limit number of repossessed vehicles stored on the lot to 25,
2. No wrecked or inoperable vehicles to be stored on lot,
3. No repairs of vehicles will be done on the lot,
4. Applicant must meet all applicable Federal, State, County and City requirements, and
5. Business license to be issued after Planning Staff confirmation of requirements.
6. To reverse barb wire to face inward.
7. Parking loading and unloading not to be on City Right-of-Way
8. Opaque fencing on Service Lane
9. Keep lot clean at all times.

Alexander	Yes	Dietz	Yes
Armstrong	Absent	Foster	Yes
Belasco	Yes	Parker	Yes
Chambers	Yes	White	Yes
Clifton	Absent		

The application passed with seven (7) affirmative votes.

3. Rezone # 1497. To rezone from R-4 to C-4 to allow car sales and a land use plan amendment. The request is located at 1222 East Broadway.

Vice Chairman White asked the applicant to come forward and state their name.

Mr. Saville and Mr. Ukegbu stated their names. Mr. Saville stated he is the owner and Mr. Ukegbu is going to lease the property from him.

Mr. Saville stated they would like to rezone the property from R-4 to C-4.

Mr. Spencer stated this is from the rezoning of the building the next item on the agenda would be for the conditional use they need. You can add them together if you want to or do them separately.

A motion was made and seconded to add the rezone and conditional use together. It passed with eight (8) affirmative votes.

There was a motion made and second that there will be no loading or unloading of vehicles on the City streets.

Vice Chairman White called for a vote and it passed with eight (8) affirmative votes.

There was some discussion about razor wire on the property. Mr. Dietz asked if it would be a problem for them to remove it. It was also discussed to plant more trees along Broadway.

Mr. Saville stated it would not be any problem and they would remove it.

Vice Chairman White asked the applicant if they were aware of the conditions staff put out of the conditional use.

Mr. Saville stated they were aware of them.

Vice Chairman White asked if there was anyone in the audience who wanted to speak for or against the application.

Mrs. Dillard stated she lives on North Beech St. She stated the fence line runs down her property line. She doesn't want a wrecked car or a parked car right up along that fence the will degrade her property. She would like them to be respectful, quiet, and keep the property clean.

Mr. Dillard stated they have to keep things up to code. He wants to see them have to keep things to code, not to disrespect neighborhood. He wants to make sure they will keep the place clean. He also wants them to have normal business hours. He has a lot of concerns. He just wants good neighbors.

Vice Chairman White asked Mr. Dillard what hours of operations he would like to see; what he could live with.

Mr. Dillard stated he could live with the hours of 7a.m. to 6p.m.

Vice Chairman White asked Mr. Ukegbu what hours of operation he had in mind.

Mr. Ukegbu stated he would work sometimes until 8 or 9p.m. He could live with 8p.m. though.

After more discussion on the hours of operation Mr. Dillard stated he could live with 8p.m. closing.

Mr. Chambers stated he would like to add four (4) conditions to Staff's conditions.

1. No wrecked or inoperable vehicles
2. Maintain a quiet operation at all times
3. Hours of operations will be from 7a.m until 8p.m.
4. No loading and unloading vehicles in City Right-of-Way

A motion was made and seconded and it passed with eight (8) affirmative votes.

Mr. Ukegbu stated he wanted to be a good neighbor. He stated he understood the conditions that were added to staff's.

Vice Chairman White reminded the Commissioner that they were voting for the rezoning and the conditional use together. With this Vice Chairman White called for a roll call vote with the following staff conditions:

1. Fence to be painted black,
2. All razor wire to be removed,
3. Fence along south property line to be opaque,
4. Applicant must meet all applicable Federal, State, County and City requirements,
5. Business license to be issued after Planning Staff confirmation of requirements.
6. No wrecked or inoperable vehicles
7. Maintain a quiet operation at all times
8. Hours of operations will be from 7a.m until 8p.m.
9. No loading and unloading vehicles in City Right-of-Way

Alexander	No	Dietz	Yes
Armstrong	Yes	Foster	No
Belasco	Yes	Parker	Yes
Chambers	Yes	White	Yes
Clifton	Absent		

4. Conditional Use # 55. To allow outdoor car sales in a C-4 zone. The request is located at 1222 East Broadway.

See Rezone 1497 (added together)

5. Rezone # 1494. To rezone from R-4 to I-1 to recognize an existing landscape contractors office and a land use plan amendment. The request is located at 7505 Young Road.

Vice Chairman asked the applicant to come forward and state his name.

Mr. Miller stated he owns the property at 7505 Young Rd. He stated he needs some advice as what to do. He needs it rezoned so he can have a place to store equipment. He's not sure if it needs to be industrial or commercial. He would like some help and advice from the Commissioners. Right now there is a commercial metal building on the property.

Mr. Dietz asked what type of business is there now.

Mr. Miller stated right now it's a Landscape architect renting the building but now he is closing his business. I would like to rezone it because the person who is interested in buying this property needs it rezoned for masonry business.

Mr. Dietz asked Mr. Voyles if a C-4 would be what he needs.

Mr. Voyles stated that would allow outside storage with office space. Mr. Voyles asked the applicant if they would need outside storage also.

Mr. Miller stated they would.

Mr. Dietz stated he would suggest Mr. Miller ask for a C-4 rezone instead of an I-1.

After some discussion on the land usage and the fact the property should have dedicated access because it is land locked. Mr. Dietz made the motion to change the request from I-1 to C-4 with a Conditional Use. It was seconded.

Vice Chairman White called for a roll call vote on the change of the request.

Alexander	Yes	Dietz	Yes
Armstrong	Yes	Foster	Yes
Belasco	Yes	Parker	No
Chambers	No	White	Yes
Clifton	Absent		

The change passed with six (6) affirmative votes and two (2) negative votes.

Vice Chairman White asked if there was anyone who wanted to speak for or against the application. There being no one to speak for or against the application Vice Chairman White called for a roll call vote on the application.

Alexander	Yes	Dietz	Yes
Armstrong	Yes	Foster	Yes
Belasco	Yes	Parker	No
Chambers	No	White	Yes
Clifton	Absent		

6. Rezone # 1496. To rezone from C-3 to R-4 to allow apartments and a land use plan amendment. The request is located near the SE corner of Remount and Mission Roads.

Vice Chairman White asked the applicant to come forward.

Mr. Shoptaw stated he is representing the owner. He stated this part of the property is zoned C-3 and the remainder of the property is zoned R-4. We would like to rezone portion of lot 2 to R-4.

Vice Chairman White asked how far it from the houses to Shady Valley.

Mr. Shoptaw stated from the three houses on Silverwood Trail it is within 200 foot range.

Mr. Spencer stated the Planning Department received a letter from a resident from Shady Valley (in their packet). He read the letter to the Commissioners.

Vice Chairman White asked if there was anyone in the audience who wanted to speak for or against this application.

Mr. House stated he lives at 412 Remount Rd. He said it's a nice residential neighborhood. He doesn't want to see apartments there. He mentioned he received notification twice on this property but both had the same day on it for the July meeting date. The second notice did not have the September meeting date on it.

Mr. Spencer stated this is a new case with a small rezoning request. The applicant didn't have to mail all the same people since it didn't cover the same property. This is a different plan and different proposal.

Mr. Angle stated he lives at 533 Silverwood Trail. He stated he along with two other neighbors talked with Mr. Eanes about purchasing the four (4) lots.

After more discussion on what can and can't go there and why some got notification last time and not this time, Vice Chairman White asked if there was anyone else who wanted to speak.

With no one else wanting to speak Vice Chairman White called for a roll call vote on the application.

Alexander	Yes	Dietz	Yes
Armstrong	Yes	Foster	Yes
Belasco	Yes	Parker	Yes
Chambers	Yes	White	Abstain
Clifton	Absent		

7. Rezone # 1498. To rezone from C-4 to I-1 to allow warehousing and a land use amendment. The request is located at 3006 East Washington.

Vice Chairman White asked the applicant to come forward and state his name.

Mr. Holmes stated he was representing the applicant.

After some discussion a motion was made and seconded to approve to application as submitted.

Vice Chairman White asked if there was anyone in the audience who wanted to speak for or against the application. He asked the Commissioners if anyone had any comments. With no one wanting to speak for or against and with no comments from the Commissioners Vice Chairman White called for a roll call vote.

Alexander	Yes	Dietz	Yes
Armstrong	Yes	Foster	Yes
Belasco	Yes	Parker	Yes
Chambers	Yes	White	Yes
Clifton	Absent		

8. Rezone # 1499. To rezone from TND to R-4 to allow apartments. The request is located at 13 acres southwest of intersection of 9th and Vestal and along River Road.

Vice Chairman White asked the applicant to come forward and state his name.

Mr. Joe Smith, with the Mayor's office, stated there was an issue where we could make this development a PUD right now but because of the sensitive nature of this we sat down with Alderman Taylor, City Attorney Carter, and Mr. Spencer to see how we could handle this and continue to expedite the development. Everyone was in agreement it could be at City Council level. The request of the developer is going to be like they did at the last meeting, they just changed locations. They would like approval as an R-4 rezone. Then at City Council Alderman Taylor and Attorney Carter will verbally change it to a PUD that would address any of the issues the neighbors have. Mr. Smith stated you can't satisfy all the people. This would keep them from doing lower income housing. This would be a gated community.

Mr. Chambers asked if an agreement would bind the land or the developers and can only City Council change it.

Mr. Smith stated it goes with the owner. Everyone decided this was the best thing to do. Mr. Smith stated the legislation would state it to be a PUD.

At this time Mr. Smith introduced Mr. Jim Irwin, who represents the land owners.

Mr. Irwin stated he represents the land owners and in the contract they also have the right to approve the improvements. They want to make sure the quality of the project is to the satisfaction of everyone also. The only thing that has changed since the last time they were in here is the Mayor has suggested that they utilize 3rd St. to take traffic off River Rd. To do that they have moved the project from the East side to the West side of the property.

Mr. Chambers asked why it had to be a gated community.

Mr. Irwin stated he would let the developers answer that.

Mr. Rice stated he represents the buyers. He stated he wanted to assure everyone that they are also concerned about the quality of the development. They want the same quality as the Enclave. This was one of the reasons for shifting the site to the west side of the property and meeting with the neighbors. Because of the sizable investment in land and level of rent and the prime amenities this would be a gated community. This is for security and exclusivity. It will be built of high quality material.

Mr. Foster asked if it will be more urban than suburban.

Mr. Rice stated it would probably be more suburban than urban. The Enclave is urban.

Mr. Chambers stated a gated community is 40 year old thinking. He wonders if there is a better way of doing it.

Mr. Rice stated that the buyers do this where ever they build; it doesn't matter where the neighborhood is.

Vice Chairman White asked if there was anyone in the audience that would like to speak for or against the application.

Mr. Willis stated he lives at 1304 West 9th St. He stated he cares about the character of the neighborhood. He is concerned that the Commissioners voting on something they have not even seen and not sure where the funding is coming from. He has submitted a letter to the Commissioners stating his concerns about this project.

Vice Chairman White asked if anyone else in the audience or any of the Commissioners wanted to speaker on the application.

Mr. Dietz stated he feels this development is a plus for the City. He feels the City Council will put things in there that is needed. The developers have tried to touch all bases which are a plus.

Mr. Parker asked Alderman Taylor if he agreed with Mr. Smith in regard to him not having a problem taking this before City Council as a PUD.

Alderman Taylor stated he had no problem with this.

Vice Chairman White called for a motion on the application.

A motion was made and seconded and it passed with seven (7) affirmative votes.

Alexander	Yes	Dietz	Yes
Armstrong	Yes	Foster	Yes
Belasco	Yes	Parker	Yes
Chambers	No	White	Yes
Clifton	Absent		

Public Comments/Adjournment:

Mr. Dietz asked staff where the planning was on the North Belt and about the Master Street Plan. He asked if maybe they needed to have a public hearing at the next meeting.

Mr. Voyles gave some history background on the North Belt and about the Master Street Plan. He stated if Mr. Dietz was asking if we need to review the Master Street Plan, we need to do that anyway. He stated he would ask Metroplan review the Master Street Plan and get back with the Commissioners on their findings.

A motion to adjourn was made and seconded. The motion passed with eight (8) affirmative votes and the meeting was adjourned at 7:20 pm.

Passed: _____

Respectfully Submitted:

Norman Clifton, Chairman

Robert Voyles